

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

Beth A. Feeley, et al., )  
Plaintiffs. )  
 )  
v. ) Case No. 1:08cv1212 (GBL)  
 )  
Total Realty Management, et al., )  
Defendants. )

ORDER

THIS MATTER is before the Court on the following motions:

1. Defendants Cooperative Bank for Savings, Inc. and Frederick Willetts, III's Motions to Dismiss (#77)
2. Defendants Branch Banking & Trust Co. of South Carolina and BB&T Collateral Service Corporation, Trustee's Motions to Dismiss (#87)
3. Defendant SunTrust Mortgage, Inc.'s Motion to Dismiss (#90), Defendants Bank of America, N.A. and Prlap, Inc's Motion to Dismiss (#93)
4. Defendant Maryville Partners, Inc.'s Motion to Dismiss (#94)
5. Defendants Woodlands Bank and John T. Harris, Trustee's Motions to Dismiss (#104)
6. Defendants Beach First National Bank and Carolina First Bank's Motions to Dismiss (#125).

For the reasons to be stated in a forthcoming memorandum opinion it is hereby

ORDERED that Defendants Cooperative Bank for Savings and Frederick Willetts, III's Motions to Dismiss (#77) Counts XXVIX

(conspiracy to commit fraud), XXVII (North Carolina Unfair and Deceptive Trade Practices Act), XXVIII (declaratory judgment promissory notes and deeds of trust void for illegality) are GRANTED. It is further

ORDERED that Defendants Branch Banking & Trust Co. of South Carolina and BB&T Collateral Service Corporation, Trustee's Motions to Dismiss (#87) Counts I (revocation of contract pursuant to 15 U.S.C. §1703(c)- revocations within two years), II (revocation of contract pursuant to 15 U.S.C. §1703(c)- revocations within three years), XXXVI (civil conspiracy to defraud), XXXIV (North Carolina Unfair and Deceptive Trade Practices Act), XXXV (declaratory judgment promissory notes and deeds of trust void for illegality) are GRANTED. It is further

ORDERED that Defendant SunTrust Mortgage, Inc.'s Motion to Dismiss (#90) Counts XXX (North Carolina Unfair and Deceptive Trade Practices Act), XXXI (South Carolina Unfair Trade Practices Act), XXXII (declaratory judgment promissory notes and deeds of trust void for illegality), and XXXIII (conspiracy to commit fraud) is GRANTED. It is further

ORDERED that Defendants Bank of America, N.A. and Prlap, Inc's Motion to Dismiss (#93) Counts I (revocation of contract pursuant to 15 U.S.C. §1703(c)- revocations within two years), II (revocation of contract pursuant to 15 U.S.C. §1703(c)- revocations within three years), XIX (North Carolina Unfair and Deceptive Trade Practices Act), XX (South Carolina Unfair Trade

Practices Act), XXI (declaratory judgment promissory notes and deeds of trust void for illegality) and XXII (civil conspiracy to defraud) are GRANTED. It is further

ORDERED that Defendant Maryville Partners, Inc.'s Motion to Dismiss (#94) Counts XII (damages pursuant to ILSA), XIII (North Carolina Unfair and Deceptive Trade Practices Act), and XIV (South Carolina Unfair Trade Practices Act) is GRANTED. It is further

ORDERED that Defendants Woodlands Bank and John T. Harris, Trustee's Motions to Dismiss (#104) Counts XXXIX (civil conspiracy to defraud), XXXVIII (declaratory judgment promissory notes and deeds of trust void for illegality), XXXVII (North Carolina Unfair and Deceptive Trade Practices Act) are GRANTED. It is further

ORDERED that Defendants Beach First National Bank and Carolina First Bank's Motions to Dismiss (#125) is GRANTED. With respect to Carolina First Bank the Court dismisses Counts: XXVI (civil conspiracy to commit fraud) XXIII (North Carolina Unfair and Deceptive Trade Practices Act), XXIV (South Carolina Unfair Trade Practices Act), XXV (declaratory judgment promissory notes and deeds of trust void for illegality). With respect to Beach First National Bank the Court dismisses Counts: XLIII (civil conspiracy to defraud), XL (North Carolina Unfair and Deceptive Trade Practices Act), XLI (South Carolina Unfair Trade Practices Act), and XLII (declaratory judgment promissory notes and deeds

of trust void for illegality) are GRANTED.

The time for notice of appeal will not commence until the Court issues its Memorandum Order and Federal Rule of Civil Procedure 58 Judgment Order.

The Clerk is directed to forward a copy of this Order to counsel.

Entered this 9<sup>th</sup> day of July, 2009.

Alexandria, Virginia

07/ 09 /09

/s/

Gerald Bruce Lee  
United States District Judge